

(59)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**FILED**

HERITAGE BUILDING GROUP, INC., : CIVIL ACTION AUG 14 1996
 et al., :
 Plaintiffs :
 :
 v. :
 :
 :
 PLUMSTEAD TOWNSHIP, et al., : NO. 95-4424

*MICHAEL E. KUNZ, Clerk
 By _____ Dep. Clerk*

Defendants :

O R D E R

AND NOW, this 8 day of August, 1996, upon
 consideration of the Motion for Partial Summary Judgment filed by
 Defendants James L. Yost, George L. Capell, and William R.
 Schutt, and the response and replies filed thereto, and for the
 reasons set forth in the foregoing Memorandum, it is hereby
 ORDERED that:

1. The Motion for Partial Summary Judgment is GRANTED
 and JUDGMENT is ENTERED in favor of Defendants James L. Yost,
 George L. Capell, and William R. Schutt in their individual
 capacities, and against Plaintiffs, on Counts I, II, and III of
 Plaintiffs' Complaint;

2. The following Counts remain:

a. Counts I, II, and III of the Complaint,
 against Defendants James L. Yost, George L. Capell, and William
 R. Schutt in their official capacities, and against Defendants
 Plumstead Township and Plumstead Township Board of Supervisors;

b. Count V of the Complaint, against Defendants
 James L. Yost, George L. Capell, and William R. Schutt;

c. Counts VI-IX of the Complaint, against all Defendants.

BY THE COURT:



JAMES McGIRR KELLY, J.

S. D. 96
D. L. Johnson
D. H. Johnson
D. D. Johnson
D. K. Johnson
D. M. M. Johnson
H. C. Johnson